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RICHARD SKAFF

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD SKAFF,

Plaintiff,

v.

REAL MEX RESTAURANTS, INC.;  
GENERAL GROWTH PROPERTIES, INC.  
and DOES 1-25, Inclusive,

Defendants.

Case No. C09-05518 JSW

STIPULATION; DECLARATION;  
~~PROPOSED~~ ORDER FOR  
ENLARGEMENT OF TIME TO  
SCHEDULE AND PARTICIPATE IN  
MEDIATION

Stipulation; Declaration; ~~Proposed~~ Order for Enlargement of Time to Schedule and  
Participate in Mediation  
Case No. C09-05518 JSW

STIPULATION

Defendants REAL MEX RESTAURANTS, INC. and GENERAL GROWTH PROPERTIES, INC., and Plaintiff RICHARD SKAFF (collectively "Parties"), by and through their attorneys of record, hereby stipulate to an extension of time, from August 9, 2010 to October 6, 2010, by which to schedule and participate in mediation pursuant to the Court's Scheduling Order and General Order 56.

Plaintiff and Defendant GENERAL GROWTH PROPERTIES, INC. ("GGP") further stipulate that GGP will provide a written response to each item in Plaintiff's expert's report two (2) weeks prior to the date of the scheduled mediation. Said written response will specify: (1) whether GGP is willing to undertake the corrective action proposed by Plaintiff, or has an alternate proposal; (2) the factual basis for any claim GGP may make that Plaintiff's proposed corrective action is not readily achievable; and (3) information in GGP's possession or control regarding the construction or alteration history of the property if GGP intends to dispute liability based on the construction or alteration history of the property, consistent with and to the extent required under General Order 56.

The Parties further stipulate that this Stipulation may be signed in counterparts and that facsimile or electronically transmitted signatures shall be as valid and binding as original signatures.

IT IS SO AGREED AND STIPULATED.

Dated: August 4, 2010

JACKSON LEWIS LLP

By: /s/ Cara Ching-Senaha  
Jamerson C. Allen  
Cara Ching-Senaha  
Attorneys for Defendant  
General Growth Properties, Inc.

Dated: August 5, 2010

SIDNEY J. COHEN  
PROFESSIONAL CORPORATION

By: [Signature]  
Sidney J. Cohen  
Attorneys for Plaintiff

Stipulation; Declaration; [Proposed] Order for Enlargement of Time to Schedule and Participate in Mediation

Case No. C09-05518 JSW

1  
2 Dated: August 4, 2010

Richard Skaff  
GREENBERG TRAURIG

3  
4 By: /s/ Michael Chilleen  
5 Gregory Hurley  
6 Michael J. Chilleen  
7 Attorneys for Defendant  
8 Real Mex Restaurants, Inc.

9  
10 **DECLARATION OF CARA CHING-SENAHA**

11 I, Cara Ching-Senaha, hereby declare on the basis of personal knowledge:

12 1. I am an attorney with Jackson Lewis LLP, counsel of record for Defendant  
13 General Growth Properties, Inc. ("GGP") in this action. I am an attorney in good standing and  
14 licensed to practice in the courts of California, in the United States District Court for the  
15 Northern, Eastern, and Central Districts, and in the United States Court of Appeals for the Ninth  
16 Circuit. If called upon to testify, I would testify as follows.

17 2. All Parties though their counsel have jointly agreed to extend the time to  
18 participate in mediation, to no later than October 6, 2010, based on the following:

19 a. Plaintiff's report is over 100 pages long and itemized over 200 claimed  
20 elements or alleged barriers to access covering almost the entire common area  
21 property that consists of Stonestown Galleria;

22 b. It has taken Defendant General Growth Properties a significant amount of  
23 time to evaluate whether there are readily achievable alternatives to the claimed  
24 elements in Plaintiff's report which has included the retention of multiple experts  
25 to provide cost estimates and evaluate Plaintiff's proposed changes and whether  
26 readily achievable alternative means exist to remove the alleged barriers;

27 c. It took General Growth Properties some time to identify and then retain an  
28 expert to provide cost estimates for remedying each of the claimed barriers  
identified in the report. Defendant's experts now have been working diligently to  
provide Defendant with cost estimates and, as may be necessary, potential readily

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Participate in Mediation Case No. C09-05518 JSW

d. Defendant anticipates this information will be completed in mid- to late-September, which would enable the parties to meaningfully participate in mediation by October 6, 2010.

Executed this 4th day of August, 2010 in San Francisco, California.

## Cara Ching-Senaha

Having considered the Parties' Stipulation and the supporting Declaration, and for good cause shown, the Court hereby extends the date by which the parties must schedule and participate in mediation from August 9, 2010 to October 6, 2010.

Date: August 6, 2010

  
Jeffrey S. White  
United States District Judge